

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
SHAYNA FREDERICK,

Plaintiff,

-v-

WALLY HEALTH, INC., et al.,

Defendants.

CIVIL ACTION NO. 23 Civ. 10363 (JGLC) (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge.

On November 13, 2024, the Honorable Jessica G.L. Clarke referred this matter to the undersigned to conduct a post-default inquest regarding damages. (ECF No. 39). On November 20, 2024, the Court issued an Order directing Plaintiff to (1) “submit proposed findings of fact and conclusions of law concerning damages (the “Damages Submission”) no later than Friday December 20, 2024”; (2) serve the Damages Submission on Defendants; and (3) file proof of service on the docket. (ECF No. 40). Plaintiff has now filed the Damages Submission (ECF No. 44), but it does not appear that she has filed proof of its service on Defendants. Consequently, by **Friday, January 24, 2025**, Plaintiff shall serve a copy of this Order and the Damages Submissions on Defendants and file proof of service on the docket.

Defendants shall submit their response to the Damages Submissions, if any, no later than **Tuesday, February 4, 2025**. IF DEFENDANTS (1) FAIL TO RESPOND TO THE DAMAGES SUBMISSION, OR (2) FAIL TO CONTACT MY CHAMBERS BY Tuesday, February 4, 2025, AND REQUEST AN IN-COURT HEARING, I INTEND TO ISSUE A REPORT AND RECOMMENDATION CONCERNING DAMAGES BASED ON PLAINTIFF’S WRITTEN SUBMISSION ALONE WITHOUT AN IN-COURT HEARING. See Transatlantic Marine Claims Agency, Inc. v. Ace Shipping Corp., 109 F.3d 105, 111 (2d Cir. 1997) (“[I]t [is] not necessary for the District Court to hold a hearing, as long as it ensured that there was a basis for the

damages specified in a default judgment.”) (quoting Fustok v. ContiCommodity Services Inc., 873 F.2d 38, 40 (2d Cir. 1989)).

Dated: New York, New York
January 21, 2025

SO ORDERED.


SARAH L. CAVE
United States Magistrate Judge